

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FREDERICK APKAKI,

Plaintiff,

-v-

PROGUARD PROTECTION INC., ET AL.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 2/20/2025

**ORDER  
APPROVING  
SETTLEMENT AND  
DISMISSING CASE**

24-CV-2687 (HJR)

**HENRY J. RICARDO, United States Magistrate Judge.**

This case is an action for damages under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”), which is before this Court on the consent of the parties pursuant to 28 U.S.C. § 636(c).

The Court has received the parties’ joint letter request that the Court approve their settlement agreement, a fully executed copy of which was submitted on October 7, 2024. ECF Nos. 21, 21-1. The Court also has received the time records of Plaintiff’s counsel, ECF No. 21-2, and Plaintiff’s documentation of costs, ECF No. 21-3. A federal court is obligated to determine whether settlement of an FLSA case under the court’s consideration is fair and reasonable and the subject of an arm’s length negotiation, not an employer’s overreaching. *See Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015).

The Court has carefully reviewed the Settlement Agreement as well as the parties’ letter. The Court has taken into account, without limitation, prior proceedings in this action; the attendant risks, burdens, and costs associated with

continuing the action; the range of possible recovery; whether the Settlement Agreement is the product of arm's length bargaining between experienced counsel or parties; the amount of attorney's fees; and the possibility of fraud or collusion. Among other attributes of the Settlement Agreement, there are no confidentiality restrictions; the release is narrowly tailored to wage and hour claims; and the attorneys' fees are within a fair, reasonable, and acceptable range. Considering all the circumstances, the Court finds that the Settlement Agreement is fair and reasonable and it is hereby approved.

This case, having resolved by settlement, is hereby dismissed and discontinued in its entirety, with prejudice, without costs or fees to any party, except as provided for in the parties' settlement agreement.

The Clerk of Court is respectfully requested to terminate all motions and deadlines, and to close this case.

**SO ORDERED.**

Dated: February 20, 2025  
New York, New York

  
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Henry J. Ricardo  
United States Magistrate Judge